



NCTA

NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION

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March 8, 2004

EX PARTE

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: CS Docket No. 98-120

Dear Ms. Dortch:

On March 5, 2004, Robert Sachs (President and CEO), Jill Luckett (Vice President, Program Network Policy) and Diane Burstein (Deputy General Counsel) met with Commissioner Kathleen Abernathy and her Legal Advisor Stacy Robinson Fuller.

During that meeting, consistent with our written comments in the above-captioned proceeding, we argued that the Commission has no legal authority to adopt a digital multicast must carry requirement. In addition, NCTA urged the Commission to continue to let the marketplace work to further digital broadcast carriage by cable systems.

Respectfully submitted,

/s/ Diane B. Burstein

Diane B. Burstein

cc: Commissioner Kathleen Abernathy
Stacy Robinson Fuller